

REMARKS

Reconsideration and allowance of the claims are requested in view of the above amendments and the following remarks. Claims 1-6, 8-13, 21, 28, 30, 32, 39 and 41 have been amended. Support for the claim amendments may be found in the specification and claims as originally filed. For example, support for the claim amendments may be found in claims 7, 27 and 38 as originally filed. No new matter has been added. Claims 7, 27 and 38 have been canceled without prejudice or disclaimer.

Upon entry of this amendment, claims 1-6, 8-26, 28-37 and 39-41 are pending, with claims 1, 13, 21 and 32 being independent.

1. Rejections Under 35 U.S.C. §101

The Office Action rejects claims 1-19 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants respectfully traverse this rejection for at least the following reasons.

Specifically, the Office Action on page 2 asserts that the “system” of claim 1 could be interpreted as pure software or software per se, and, as such, claim 1 lacks the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 35 U.S.C. §101. While applicants do not agree with these assertions, for purposes of economy of prosecution claim 1 has been amended to recite (emphasis added):

1. A computer system that enforces user specified currency constraints on a query on a database system having a query optimizer, a query processing engine and one or more local replicas of data in remote data sources, the computer system comprising:

at least one memory; and

at least one processing unit, comprising . . .

Additionally, the Office Action on page 3 asserts that the method of claim 13 is incomplete for omitting essential elements, specifically, that it is not clear that computer storage is being used.

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While applicants do not agree with these assertions, for purposes of economy of prosecution, claim 13 has been amended to recite (emphasis added):

13. A method for specifying and enforcing user specified currency and consistency constraints associated with a database query, comprising:
parsing a user specified currency and consistency constraint stored in a memory to interpret and convert the constraint into a form usable by a query optimizer . . .

Applicants submit that claims 1 and 13 as amended, as well as the claims dependent thereon, are directed to statutory subject matter. Support for the above claim amendments may be found in the specification of the present application, for example, at page 31, line 4 – page 32, line 16 and Figure 1.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1-19 under 35 U.S.C. §101 are respectfully requested.

2. Rejections Under 35 U.S.C. §103

The Office Action rejects claims 1, 13, 20-21 and 32 under 35 U.S.C. §103(a) as being unpatentable over Carey et al. (2001/0049685) in view of Levy et al. (6,088,524) and further in view of Gluss et al. (5,517,658). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants do not agree with the rejections under 35 U.S.C. §103(a). However, for purposes of economy of prosecution independent claim 1 has been amended to incorporate the features recited in dependent claim 7. Additionally, for purposes of economy of prosecution independent claim 21 has been amended to incorporate the features recited in dependent claim 27. Furthermore, for purposes of economy of prosecution independent claim 32 has been amended to incorporate the features recited in dependent claim 38.

Since the Office Action indicates on page 5 that dependent claims 7, 27 and 38 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, independent claims 1, 21 and 32 as amended are also allowable.

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Furthermore, independent claim 13 currently recites (emphasis added):

13. A method for specifying and enforcing user specified currency and consistency constraints associated with a database query, comprising:

parsing a user specified currency and consistency constraint stored in a memory to interpret and convert the constraint into a form usable by a query optimizer . . .

which includes, for example, the features recited in dependent claim 7. Therefore, independent claim 13 is also allowable. Claim 20 depends from claim 13 and is, therefore, also allowable.

For at least the reasons above, reconsideration and withdrawal of the rejection of claims 1, 13, 20-21 and 32 under 35 U.S.C. §103(a) are respectfully requested.

3. Allowable Subject Matter

The Office Action objects to claims 2-12, 14-19, 22-31 and 33-41 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-6 and 8-12 depend from claim 1. Claims 14-20 depend from claim 13. Claims 22-26 and 28-31 depend from claim 21. Claims 33-37 and 39-41 depend from claim 32. As discussed above, independent claims 1, 13, 21 and 32 are allowable. For at least this reason, and the additional features recited therein, claims 2-6, 8-12, 14-20, 22-26, 28-31, 33-37 and 39-41 are also allowable.

Since claims 7, 27 and 38 have been canceled, the objection to these claims is rendered moot.

For at least the above reasons, reconsideration and withdrawal of the objection to claims 2-12, 14-19, 22-31 and 33-41 are respectfully requested.

4. Conclusion

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the cited art and that all the rejections to the claims have been

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overcome. Reconsideration and reexamination of the present application is requested. Based on the foregoing, applicants respectfully request that the pending claims be allowed, and that a timely Notice of Allowance be issued in this case. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the applicants' attorney at the telephone number listed below.

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If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: June 4, 2009

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I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

June 4, 2009
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/Rimma N. Oks/
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